



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3015717
Applicant Name: David W. Gee
Address of Proposal: 2520 Westlake Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a change of use of 16,329 sq. ft. of building from marine retail sales and service to boat club.*

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
another agency with jurisdiction

*Project was revised from original application from 12,191 sq. ft. to 16,329 sq. ft.

BACKGROUND DATA

The subject site is located on the west side of Lake Union in an Urban Stable (US) shoreline environment in a Commercial zone with a 40' height limit (C2-40). The site is located at 2520 Westlake Ave N. The portion of the building that is the subject of this change of use is approximately 16,329 square feet, which was revised during project review from 12,191 square feet in the original public notice. The remaining 2,560 square feet of existing building is not subject to this change of use request.

The change of use that is the subject of this SEPA review is to change the use to a boat club from marine retail sales and service (per Director's Rule 12-2002). The proposal includes interior renovations at the building to accommodate the change of use to boat club for storage of boats and related equipment, administration offices, training facilities for club members and rest rooms. The square footage of these areas is shown on submitted plans. Work to replace/repair float associated with the building was approved under a separate permit (DPD # 6377495).

Public Comments

Notice of the project was published on October 24, 2013. The required public comment period ended on November 20, 2013. One comment was received.

ANALYSIS – CONFORMANCE WITH SHORELINE MASTER PROGRAM

The proposal is located within the Urban Stable (US) Shoreline Environment as designated by the Seattle Shoreline Master Program (SSMP). The Shoreline Master Program, Chapter 23.60 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts to implement the policy and provisions of the Shoreline Management Act of 1971 and the Shoreline Goals and Policies.

The SSMP requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a shoreline environment, unless the proposal is exempt from that requirement pursuant to criteria in SMC 23.60.020. The proposed change of use and development associated with this project does not alter the exterior dimensions of the existing building and was found to be consistent with exemption criteria for repair and maintenance of existing structures (SMC 23.60.020. C.1) and consistent with shoreline exemption criteria for interior renovations and change of use pursuant to Director's Rule 9-2003.

An exemption from the substantial development permit process is not an exemption from the compliance with the Shoreline Management Act provisions of the City's SSMP, pursuant to SMC 23.60.020 B.1. Therefore, the project was analyzed and determined to be consistent with all applicable use and development standards in SMC 23.60, including the use standards for the US Shoreline Environment, discussed below.

Use Standards for US Environment

Pursuant to SMC 23.60.600.J, boat clubs that have non-water-dependent facilities are allowed over water only when conditions in SMC 23.60.600 J 1, 2, 3 are met. The proposal was analyzed and determined to be consistent with these standards provided that public access amenities were provided. The project includes a provision to allow public access to the water through the interior of the building, which will be notified with an 8" x 10" sign adjacent to the entry, as shown on submitted plans. The project also will provide a 6' x 12' bicycle rack for shared public use adjacent to the building in the public right of way, as shown on submitted plans. A sign will also be provided to notify public of public use of bicycle rack. Pursuant to SMC 23.60.160 F, all public access points shall be provided through an easement, covenant or similar legal agreement

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated September 17, 2013 and revised on December 9, 2013. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality.

Short-term Impacts

The change of use includes interior renovations of the existing building for boat club facilities. The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. Due to the temporary nature and limited scope of these impacts, they are not considered significant and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Long-term impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including water quality in Lake Union, and habitat for plants and animals.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts, including the Land Use Code and the Shoreline Master Program. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

CONDITIONS - SEPA

None required.

CODE REQUIREMENT: SEATTLE SHORELINE MASTER PROGRAM

Prior to issuance of building permit:

Applicant shall provide copy of documentation that demonstrates compliance with SMC 23.60.160 F for public access.

Signature: _____ (signature on file) Date: February 17, 2014
Ben Perkowski, Senior Land Use Planner
Department of Planning and Development

BP:drm

I:\PerkowB\3015717decisionFinal.docx